

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Jose Cruz,

Petitioner

v.

D.W. Neven, et al.,

Respondents

2:16-cv-02335-JAD-GWF

**Order Dismissing and Closing Case
and Denying as Moot Motion for
Appointment of Counsel**

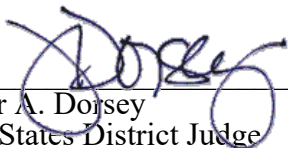
[ECF No. 2]

On October 25, 2016, I denied § 2254 petitioner Jose Cruz's application to proceed *in forma pauperis* because his application and supporting documentation showed that he is able to pay the \$5.00 filing fee. I gave Cruz until November 26, 2016, to dispatch his payment and warned him that failure to pay the fee by this deadline would result in dismissal of this case without further notice. The deadline has long since passed and Cruz has not paid the filing fee.

Accordingly, IT IS HEREBY ORDERED that **this action is DISMISSED without prejudice and Cruz's motion for appointment of counsel [ECF No. 2] is DENIED as moot.**

The Clerk of Court is directed to CLOSE THIS CASE.

Dated this 23rd day of December, 2016.



Jennifer A. Dorsey
United States District Judge